

|   |  |   |  |  |
|---|--|---|--|--|
| FORM PTO-1390<br>(REV. 10-2004)   |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |  | ATTORNEY'S DOCKET NUMBER<br>121778-04353859                              |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. 371  |  |   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5<br>(unassigned) 10/516619 |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP03/03448   | INTERNATIONAL FILING DATE<br>02 April 2003 | PRIORITY DATE CLAIMED<br>04 June 2002                   |  |  |
| TITLE OF INVENTION Method and Agent for the Prevention, Inhibition and Treatment of Sepsis  |  |   |  |  |
| APPLICANT(S) FOR DO/EO/US BERGMANN, Andreas   |  |   |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |  |  |
| <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> |  |   |  |  |
| Items 11 to 20 below concern document(s) or information included:   |  |   |  |  |
| <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>   |  |   |  |  |

|   |              |   |   |
|---|--------------|---|---|
| U.S. APR. C. P. N. NO. (If known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.<br>PCT/EP03/03448 | ATTORNEY'S DOCKET NUMBER<br>121778-04353859 |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:   |              | CALCULATIONS PTO USE ONLY                       |   |
| <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>   |              |   |   |
| Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. ....   |              | \$1110.00                                       |   |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....   |              | \$950.00  |   |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....  |              | \$790.00  |   |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....   |              | \$750.00  |   |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....   |              | \$100.00  |   |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>   |              | \$ 950.00                                       |   |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              | \$ 0.00   |   |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA                                    | RATE  |
| Total claims  | 8 - 20 =     | 0   | x \$18.00                                   |
| Independent claims  | 4 - 3 =      | 1   | x \$88.00                                   |
| <b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>  |              | + \$300.00                                      |   |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              | \$ 1,038.00                                     |   |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              | \$ 0.00   |   |
| <b>SUBTOTAL =</b>   |              | \$ 1,038.00                                     |   |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              | \$ 0.00   |   |
| <b>TOTAL NATIONAL FEE =</b>   |              | \$ 1,038.00                                     |   |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +   |              | \$ 0.00   |   |
| <b>TOTAL FEES ENCLOSED =</b>  |              | \$ 1,038.00                                     |   |
|   |              | <b>Amount to be refunded:</b>                   | \$  |
|   |              | <b>charged:</b>                                 | \$  |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>503-121</u> in the amount of \$ <u>1,038.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>503-121</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> |              |   |   |
| <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Intellectual Property Group<br/>Mayer Brown Rowe &amp; Maw LLP<br/>1909 K Street, N.W.<br/>Washington, D.C. 20006-1101<br/>(202) 263-3000 Telephone (202)263-3300 Facsimile</p>   |              |   |   |
| <p></p> <p><b>SIGNATURE</b><br/>Christopher M. Beck</p> <p><b>NAME</b><br/>52,603</p> <p><b>REGISTRATION NUMBER</b></p>   |              |   |   |